

2/26/2019 12:01 PM

Marilyn Burgess - District Clerk Harris County
Envelope No. 31494052
By: Miaeda Hutchinson
Filed: 2/26/2019 12:01 PM

2019-14202 / Court: 055

CAUSE NO. _____

ELVA NAVA

§

IN THE DISTRICT COURT

§

VS.

§

OF HARRIS COUNTY TEXAS

§

WAL-MART STORES, INC. AND
WAL-MART STORES TEXAS, LLC.

§

— JUDICIAL DISTRICT

§

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ELVA NAVA, Plaintiff (sometimes referred to only as "Plaintiff"), complaining of WAL-MART STORES, INC. and WAL-MART STORES TEXAS, LLC., Defendants (sometimes referred to collectively as "WAL-MART"), and for cause of action would show this Honorable Court the following:

I.
DISCOVERY CONTROL PLAN

Plaintiff intends to conduct discovery in this matter under Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

II.
PARTIES

Plaintiff is an individual and a resident of Houston, Harris County, Texas.

Defendant WAL-MART STORES, INC. is a foreign for-profit corporation conducting business in the State of Texas. Defendant may be served with process by delivering citation to its registered agent for service, C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

Defendant WAL-MART STORES TEXAS, LLC. is a foreign limited liability company conducting business in the State of Texas. Defendant may be served with process by delivering citation to its registered agent for service, C T Corporation System, 1999 Bryan Street, Suite 900,



Dallas, Texas 75201-3136.

**III.
JURISDICTION AND VENUE**

This Court has jurisdiction because the amount in controversy is within its jurisdictional limits. Venue is proper in Harris County, Texas, because all or a substantial part of the events or omissions giving rise to the claim occurred in Harris county.

**IV.
FACTS**

This suit is brought as a result of an incident that occurred on or about July 9, 2018. On said date, Plaintiff, who was an invitee at Wal-Mart store #1279 located in Houston, Texas, slipped on a slick substance which had accumulated on the floor in the detergent isle. Plaintiff was seriously injured as a result.

**V.
NEGLIGENCE – WAL-MART**

The incident was proximately caused by the negligence and gross negligence of Defendants WAL-MART STORES, INC. and WAL-MART STORES TEXAS, LLC. in creating a condition on the premises that created an unreasonable risk of harm to visitors. Further, Defendants WAL-MART STORES, INC. and WAL-MART STORES TEXAS, LLC. knew, or in the exercise of ordinary care should have known, of this unsafe condition on its premises, but failed to remedy or correct the condition and failed to warn patrons at the store, including Plaintiff, of the danger. Such negligence was the proximate cause of Plaintiff's injuries.

**VI.
DAMAGES**

As a producing, direct and proximate result of the incident and injuries for which Defendants are liable, Plaintiff seeks and is entitled to the following damages:

1. physical pain and mental anguish in the past and future;
2. lost wages and loss of earning capacity in the future;
3. physical disfigurement in the past and future;
4. physical impairment in the past and future;
5. medical care in the past and future;
6. exemplary damages; and
7. all other damages allowed by law and equity.

As such, Plaintiff affirmatively pleads that they seek monetary relief over \$200,000.00 but not more than \$1,000,000.00.

**VII.
INTEREST**

Plaintiff specifically pleads for pre-judgment interest at the maximum legal rate.

**VIII.
REQUEST FOR DISCLOSURE**

Pursuant to Rule 194, you are requested to disclose, within 50 days of this request, the information or material described in Rule 194.2(a)-(k).

WHEREFORE, PREMISES CONSIDERED; Plaintiff requests that Defendants be cited to appear and answer, and that on final trial hereof Plaintiff have judgment against the Defendants, jointly and severally, and that Plaintiff recover (1) actual and compensatory damages in accordance with the evidence; (2) pre-judgment and post-judgment interest as provided by law; (3) costs of suit; (4) exemplary damages; (5) attorney's fees; and such other and further relief, at law and in equity, to which Plaintiff may be justly entitled.

Respectfully Submitted,

BRONSTON LEGAL PC



Kraig L. Rushing
State Bar No. 24071554
4615 Southwest Freeway, Suite 350
Houston, Texas 77027
Telephone: 713-723-3000
Telecopier: 713-664-7017
E-Mail: krushing@bronstonlegal.com

ATTORNEY FOR PLAINTIFF



TO: Kim Lundy Service of Process, Legal Support Supervisor
Walmart Inc.
702 SW 8th St, MS#0215
Bentonville, AR 72716-6209

RE: Process Served In Texas

FOR: Wal-Mart Stores Texas, LLC (Domestic State: DE)

**Service of Process
Transmittal**
03/05/2019
CT Log Number 535041420

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Nava Elva, Pltf. vs. Wal-Mart Stores, Inc. and Wal-Mart Stores Texas, LLC, Dfts.

DOCUMENT(S) SERVED: Citation, Petition

COURT/AGENCY: 55th Judicial District Court Harris County, TX
Case # 201914202

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 07/09/2018 -
Wal-Mart Store #1279, Located at Houston, Texas

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Process Server on 03/05/2019 at 11:05

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: By 10:00 a.m. on the Monday next after the expiration of 20 days after you were served

ATTORNEY(S) / SENDER(S): Kraig L. Rushing
Bronston Legal PC
4615 Southwest Freeway, Suite 350
Houston, TX 77027
713-723-3000

ACTION ITEMS: CT has retained the current log, Retain Date: 03/06/2019, Expected Purge Date:
03/11/2019
Image SOP
Email Notification, Kim Lundy Service of Process ctlawsuits@walmartlegal.com

SIGNED:
ADDRESS: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
214-932-3601

TELEPHONE:

CAUSE NO. 201914202

RECEIPT NO. 0.00 CIV

 TR # 73597484

PLAINTIFF: NAVA, ELVA
 VS.
 DEFENDANT: WAL-MART SOTRES INC

In The 55th
 Judicial District Court
 of Harris County, Texas
 55TH DISTRICT COURT
 Houston, TX

CITATION

THE STATE OF TEXAS
 County of Harris

TO: WAL-MART STORES TEXAS LLC (A FOREIGN LIMITED LIABILITY COMPANY) BY
 SERVING ITS REGISTERED AGENT C T CORPORATION SYSTEM
 1999 BRYAN STREET SUITE 900 DALLAS TX 75201 - 3136
 Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

This instrument was filed on the 26th day of February, 2019, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 28th day of February, 2019, under my hand and seal of said Court.

Issued at request of:
 RUSHING, KRAIG LYLE
 4615 SOUTHWEST FREEWAY SUITE
 350
 HOUSTON, TX 77027
 Tel: (713) 723-3000
 Bar No.: 24071554



Marilyn Burgess
 MARILYN BURGESS, District Clerk
 Harris County, Texas
 201 Caroline, Houston, Texas 77002
 (P.O. Box 4651, Houston, Texas 77210)
 Generated By: CHAMBERS, WANDA ULW//11170720

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at ____ o'clock ____ M., on the ____ day of _____. _____

Executed at (address) _____ in _____

County at ____ o'clock ____ M., on the ____ day of _____.
 _____, by delivering to _____ defendant, in person, a
 true copy of this Citation together with the accompanying ____ copy(ies) of the Petition
 attached thereto and I endorsed on said copy of the Citation the date of delivery.
 To certify which I affix my hand officially this ____ day of _____. _____

FEE: \$ _____

_____ of _____ County, Texas

By _____
 _____ Affiant Deputy

On this day, _____, known to me to be the person whose
 signature appears on the foregoing return, personally appeared. After being by me duly sworn,
 he/she stated that this citation was executed by him/her in the exact manner recited on the
 return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this ____ day of _____.

 Notary Public